



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष १०, अंक ८]

सोमवार, जुलै १, २०२४/आषाढ १०, शके १९४६

[पृष्ठ ५, किंमत : रुपये ३६.००

असाधारण क्रमांक १३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the **1st July, 2024** is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XI OF 2024.

A BILL

further to amend the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take

Mah. XXXVII of 1966. immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ; and, therefore,

Mah. Ord. III of 2024. promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2024 on the 15th March 2024 ;

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature; it is hereby enacted in the Seventy-fifth Year of the Republic of India, as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Regional and Town Planning (Amendment) Act, 2024.

(2) It shall be deemed to have come into force on the 15th March 2024.

Amendment
of section 30
of Mah.
XXXVII of
1966.

2. In section 30 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the principal Act”), in sub-section (1), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from the 23rd March 2020.

Mah.
XXXVII
of 1966.

Amendment
of
section 31 of
Mah. XXXVII
of 1966.

3. In section 31 of the principal Act, in sub-section (1),—

(i) for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from the 23rd March 2020;

(ii) for the first proviso, the following proviso shall be substituted, namely :—

“Provided that, the State Government may, if it thinks fit, whether the said period has expired or not, extend from time to time, by notification in the *Official Gazette*, the period for sanctioning the draft Development plan or refusing to accord sanction thereto, by such further period as may be specified in the notification :”;

(iii) third and fourth provisos shall be deleted.

Repeal of
Mah. Ord. III
of 2024 and
saving.

4. (1) The Maharashtra Regional and Town Planning (Amendment) Ordinance, 2024, is hereby repealed.

Mah.
Ord. III
of 2024.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECT AND REASONS

The Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) is enacted to make provisions for planning the development and use of land in the regions established under the Act. Chapter III of the said Act provides for the procedure to be followed for declaration of intention, preparation, submission and sanction to Development plan with a view to ensure that the Town Planning Schemes are made in proper manner and their execution is made effective.

2. The said Act, *inter alia*, provides for a time-bound programme for all the planning process and if the Planning Authority fails to make the planning within the specified period, the entire process of planning may get lapsed. The Act also provides for a timeline regarding development permission, acquisition of land and other permissions, and after the specified period, the relevant permissions are deemed to have been approved or, the relevant actions are deemed to be lapsed, as the case may be.

3. Section 30 of the said Act provides that, every Planning Authority shall submit the draft Development plan to the State Government for sanction within a period of six months from the date of publication of the notice in the *Official Gazette* regarding its preparation under section 26 or within such extended period as mentioned in the proviso thereof. Section 31 of the said Act provides that, the State Government may sanction the draft Development plan submitted to it by the Planning Authority within the period of six months from the date of its receipt from the Planning Authority or within such extended period as mentioned in the first proviso thereof.

4. It was noticed that, during the years 2017 and 2018 there has been increase in the number of Planning Authorities such as Municipal Councils and *Nagar Panchayats*, therefore, it has become necessary to prepare the Development plan for such Planning Authorities. The Government has, *vide* Government Resolution, Urban Development Department, dated the 25th January 2019, directed the Planning Authorities to prepare draft Development plan by using Geographical Information System (GIS). While preparing and sanctioning the draft Development plan number of suggestions and objections are received by the Planning Authorities and the State Government. Therefore, it has become difficult to consider the suggestions and objections so received and to complete the procedure of preparing and sanctioning the draft Development plan within stipulated time limit. Due to this, there was possibility that the process of preparation and sanction of the draft Development plan under Chapter III may get lapsed due to short period provided in the Act and ultimately this may affect the development process of areas within the jurisdiction of such Planning Authorities.

It was, therefore, necessary to increase the period from six months to twelve months under sub-section (1) of section 30 and sub-section (1) of section 31 and empower the State Government to extend the period for sanctioning the draft Development plan submitted to it by the Planning Authority, by notification in the *Official Gazette*. It was, therefore, considered expedient to amend sub-section (1) of section 30 and sub-section (1) of section 31 of the Maharashtra Regional and Town Planning Act, 1966, suitably.

5. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes aforesaid, the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2024 (Mah. Ord. III of 2024), was promulgated by the Governor of Maharashtra on the 15th March 2024.

6. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 27th June, 2024.

EKNATH SHINDE,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 3 (ii).—Under this clause, power is taken to the State Government to extend from time to time, by notification in the *Official Gazette*, the period for sanctioning the draft Development plan or refusing to accord sanction thereto, by such further period as may be specified in the notification.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

Vidhan Bhavan :
Mumbai,
Dated the 1st July, 2024.

JITENDRA BHOLE,
Secretary (I) (I/C),
Maharashtra Legislative Assembly.